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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/709,433 | 05/05/2004 | Robert Spriggs | 141901 | 3432 |
| 23413 | 7590 | 08/24/2007 | | |
| CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002 | | | EXAMINER SAX, STEVEN PAUL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2174 | |
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| | | | 08/24/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,433

Applicant(s)

SPRIGGS ET AL

Examiner

Steven P. Sax

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al (2005/0090937).
4. Regarding claim 1, Moore et al show a method for obtaining data stored in a non-volatile memory and data stored in volatile memory in a facility monitoring system (abstract) comprising: retrieving a first data set stored in the non-volatile memory associated with a first computer wherein the first data set includes data collected from at least one sensor over a first predetermined time interval (para 4, 10, 13, 14); retrieving a second data set stored in the volatile memory associated with a second computer wherein the second data set comprises data collected from the at least one sensor over a second time interval after the first time interval (para 13, 14, 40, 42); and, storing at

least a portion of the first data set and the second data set in a first memory (Figures 2, 3, para 4, 11).

5. Regarding claim 2, the first data set corresponds to values obtained from a plurality of sensor signals measuring operating parameters associated with a plurality of devices in a plant or processing facility (para 19, 22).

6. Regarding claim 3, note sending a first data request message from a third computer to the first computer requesting information corresponding to the first and second data sets (para 23, 25).

7. Regarding claim 4, note sending a second data request message from the first computer to the second computer requesting information corresponding to the second data set, in response to the first computer receiving the first data request message (para 23, 24, 25, 32, 34).

8. Regarding claim 5, note sending the first data set from the second computer to the first computer in response to the second computer receiving the second data request message (para 25, 32, 34).

9. Regarding claim 6, note sending the first data set and the second data set from the first computer to the third computer (para 25).

10. Regarding claim 7, the non-volatile memory comprises a hard drive and the volatile memory comprises random-access memory (implicit such as in para 21, 29).

11. Regarding claim 8, note generating a graphical plot of at least a portion of the first data set and the second data set on a computer monitor (para 10, 24, 48)

12. Regarding claim 9, note generating a data report based on at least a portion of the first data set and the second data set (para 10, 24, 48).

13. Regarding claim 10, note exporting at least a portion of the first data set and the second data set to a first software application (para 10, 24, 25, 32).

14. Regarding claim 11, in addition to that for claim 1, note concurrently displaying at least a portion of the first data set and the second data set on a computer monitor (para 10, 24, 48).

15. Claims 12-19 show the same features as claims 1-8 and are rejected for the same reasons.

16. Claims 20-21 each show the same features as claim 3 and are rejected for the same reasons as claim 3.


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17. Claims 22-23 each show the same features as claim 1 and are rejected for the same reasons as claim 1.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN SAX
EXAMINER